

1 mag 2

h65-

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
BUR920010212US1

In Re Application of Grant et al.

Serial No.
10/065,720

Filing Date
11/13/2002

Examiner
Deo, Duy Vu Nguyen

Group Art Unit
1765

Title: **METHOD AND APPARATUS FOR ETCH RATE UNIFORMITY CONTROL**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Restriction (2 pages)

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **09-0456(IBM)** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: 3/5/2004

Jack P. Friedman
Reg. No. 44,688
Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110
(518) 220-1850

I certify that this document and fee is being deposited on 3/5/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Kim Dwileski

Typed or Printed Name of Person Mailing Correspondence

cc:



Docket No. BUR920010212US1

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grant *et al.*

Group Art Unit: 1765

Filed: 11/13/2002

Examiner: Deo, Duy Vu Nguyen

Serial No.: 10/065,720

Title: **METHOD AND APPARATUS FOR ETCH RATE UNIFORMITY CONTROL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION


In response to the Restriction Requirement dated February 20, 2004, Applicants hereby provisionally elect Group I, claims 1-16, drawn to a method, classified in class 438, subclass 745. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 17-20, drawn to and apparatus.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicants respectfully submit

that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits.

Date: 03/05/2004


Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850